

REMARKS

I. INTRODUCTION

In response to the Office Action dated December 27, 2004, and in conjunction with the Request for Continued Examination (RCE) submitted herewith, no claims have been amended, canceled or added. Claims 1-3 and 5-8 remain in the application. Entry of these remarks, and re-consideration of the application, is requested.

II. PRIOR ART REJECTIONS

On page (2) of the Office Action, claims 1-3, 5, and 7-8 were rejected under 35 U.S.C. §102(e) as being anticipated by Fish et al., U.S. Patent No. 6,628,690 (Fish). On page (4) of the Office Action, claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fish in view of Sekiguchi et al., U.S. Patent No. 4,896,328 (Sekiguchi).

Applicants' attorney respectfully traverses these rejections.

Applicants' attorney submits herewith Declarations under 37 C.F.R. §1.131 by inventors Thomas Gordon Beck Mason, Larry A. Coldren and Gregory Fish to eliminate U.S. Patent No. 6,628,690 (Fish) as a reference.

As noted in the Declarations, Applicants' invention was conceived prior to September 2, 1999, the priority date of U.S. Patent No. 6,628,690, and development of the invention proceeded on a continuous basis from prior to September 2, 1999, to the filing of United States Provisional Patent Application No. 60/152,432, on September 3, 1999. The present application claims priority to United States Provisional Patent Application No. 60/152,432, with continuity established through PCT International Patent Application No. PCT/US00/23710, both of which applications fully support the claims in the present application. Moreover, the exhibit relied upon as evidence by the Declarations also fully supports the claims in the present application. Consequently, U.S. Patent No. 6,628,690 is eliminated as a reference by the Declarations under 37 C.F.R. §1.131.

Thus, Applicants' attorney submits that independent claim 1 is allowable over the references. Further, dependent claims 2-3 and 5-8 are submitted to be allowable over the references in the same manner, because they are dependent on independent claim 1, and thus contain all the limitations of the independent claim. In addition, dependent claims 2-3 and 5-8 recite additional novel elements not shown by the references.

III. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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